

Exhibit 12

Katharine Malone

From: Katharine Malone
Sent: Wednesday, March 2, 2022 6:18 PM
To: 'Kaiser, Steven J.'; Houck, Stephen J.
Cc: Joseph Saveri; Ronnie Spiegel; Elissa A. Buchanan; Anna-Patrice Harris
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Steve,

I write to follow up on our discussions regarding the status of the production of responsive materials by Charlesbank and Bain. The Court issued its order to produce the documents on December 13, 2021. To date, we have received 2,133 documents (331 for Bain and 1,802 for Charlesbank). We understand that you estimate a total production of approximately 50,000 documents. You have not committed to a date certain for substantial completion of the production of responsive documents. Given this lack of document production, we would like to request a fact discovery extension, until May 7, 2022, to complete the depositions of Bain and Charlesbank witnesses. Also, we ask that you commit to substantial completion of all productions by April 1, 2022.

Please let us know if you would be willing to agree to this proposal.

From: Kaiser, Steven J. <skaiser@cgsh.com>
Sent: Thursday, February 24, 2022 9:59 AM
To: Katharine Malone <kmalone@saverilawfirm.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Kate,

We take it from the below that Plaintiffs have rejected once and for all our proposals for speeding things along, which is regrettable.

That said, we agree with your read of the order and, in addition to the documents you already have from Bain and Charlesbank, will provide a further production for each by February 27, 2022 (Bain's has already been made).

We also agree with that 165 days after the magistrate's order would be after the close of fact discovery and, as noted in my email of February 15, "[g]iven the close of discovery on April 18, Charlesbank and Bain have been working mightily to comply with the Court's order of December 13 and expect to complete their productions well ahead of that deadline." Probably the more relevant deadline at this point is fourteen days before the depositions, although, again, we are attempting to be done in advance of that as well.

Steven J. Kaiser
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From: Katharine Malone [<mailto:kmalone@saverilawfirm.com>]
Sent: Thursday, February 24, 2022 12:30 PM
To: Kaiser, Steven J. <skaiser@cgsh.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Steve,

The scheduling order in this case (ECF 61) states that rolling production of documents shall begin no later than 75 days, which is Monday, February 27, 2022. As such, we expect to begin receive document productions on a rolling basis immediately.

As to the issue of completion, 165 days from December 13, 2021 is May 27, 2022, *six weeks after the close of fact discovery* under the amended scheduling order. Is it Bain and Charlesbank's position that the end of May is their deadline for substantial completion of their productions? If not, provide the date by which the parties will substantially complete this production.

Thanks,
Kate

From: Kaiser, Steven J. <skaiser@cgsh.com>
Sent: Tuesday, February 15, 2022 6:29 AM
To: Katharine Malone <kmalone@saverilawfirm.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Kate:

We will endeavor to send some additional materials this week.

What is written below, however, is not really correct. When you asked if Varsity, Bain and Charlesbank would meet your arbitrary timelines, we responded that they would try. As we discussed, in the case of Bain and Charlesbank, the task proved impossible because of the large amounts of irrelevant documents relating to the technical back and forth negotiation of deal-related documents, many of which are privileged in whole or in part and all are irrelevant. When I asked if those could be omitted, you first rejected the idea but then suggested Plaintiffs would consider the proposal. To date we have not heard back. Plaintiffs' apparent unwillingness to make this common sense adjustment has timing consequences. If you have reconsidered that position, please let us know.

We also note that the order in this case relating to the timing of productions (ECF 61), specifies completing production by 165 days from the date objections are resolved, which in this case was December 13, 2021. Given the close of discovery on April 18, Charlesbank and Bain have been working mightily to comply with the Court's order of December 13 and expect to complete their productions well ahead of that deadline. The end of this month of February is likely to prove too ambitious, however, for the reasons we discussed.

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From: Katharine Malone <kmalone@saverilawfirm.com>
Sent: Friday, February 11, 2022 7:12 PM
To: Kaiser, Steven J. <skaiser@cgsh.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Ronnie Spiegel <rspiegel@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Steve,

I wanted to again follow up on the status of the document productions for Charlesbank and Bain. As you know, the court ordered production of these documents on December 16, 2021. Based on our prior communications, we were led to believe that Charlesbank and Bain would be substantially complete with the production by the end of January 2022. To date, we have received none of the documents the court ordered to be produced. When we spoke on last Thursday, February 3, you indicated that your clients would substantially complete the by February 28, 2022.

Please confirm by 5pm PST Monday, February 14, 2022 that the Charlesbank and Bain defendants will begin producing the ordered documents immediately and that production will be substantially complete by February 28, 2022.

Thanks,
Kate

From: Katharine Malone
Sent: Tuesday, February 1, 2022 9:19 AM
To: 'Kaiser, Steven J.' <skaiser@cgsh.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Hi Steve,

I wanted to check in again on these productions. We've received a few volumes from Varsity over the past month but nothing from Bain or Charlesbank. Our calculation of the 45 days from the order was yesterday. When should we expect to receive those documents? It would be helpful to get a sense of the remaining Varsity and banks' production size as well.

Thanks,
Kate

From: Kaiser, Steven J. <skaiser@cgsh.com>
Sent: Monday, January 10, 2022 5:19 PM
To: Katharine Malone <kmalone@saverilawfirm.com>; Houck, Stephen J. <shouck@cgsh.com>
Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>
Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

We are trying to meet your proposed timeline.

Steven J. Kaiser

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From: Katharine Malone <kmalone@saverilawfirm.com>

Sent: Friday, January 7, 2022 5:33 PM

To: Kaiser, Steven J. <skaiser@cgsh.com>; Houck, Stephen J. <shouck@cgsh.com>

Cc: Joseph Saveri <jsaveri@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>

Subject: RE: Varsity (Jones): production deadline for Varsity, CB, and Bain

Hi Steve,

I'm following up on the question of when we can expect production for Varsity and the banks to be substantially complete.

Thanks,
Kate

From: Katharine Malone

Sent: Thursday, December 16, 2021 1:49 PM

To: Kaiser, Steven J. <skaiser@cgsh.com>; Houck, Stephen J. <shouck@cgsh.com>

Cc: Ronnie Spiegel <rspiegel@saverilawfirm.com>; Elissa A. Buchanan <EABuchanan@saverilawfirm.com>; Anna-Patrice Harris <aharris@saverilawfirm.com>

Subject: Varsity (Jones): production deadline for Varsity, CB, and Bain

Hi Steve,

We are hoping you can give us a sense of when production might occur (and be substantially completed) for Varsity, Charlesbank, and Bain. For Mr. Webb, the Court ordered 45 days for completion from the date of the order. We are hoping there can be a similar timeframe for production from Varsity, Bain and Charlesbank so that we can best plan for and schedule depositions. Please let us know your timing or if you would like to discuss this any further.

Thanks,
Kate

Katharine L. Malone
Associate



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